



Weber County Planning Division
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Weber County Board of Adjustment
NOTICE OF DECISION

February 26, 2016

Rick Golde
4783 Panorama Drive
Ogden UT 84403

Case No.: BOA 2016-01

You are hereby notified that your appeal to encroach 25 feet into the 30 foot rear yard setback at 962 Ogden Canyon or to vary the application of the provisions of the Weber County Land Use Code, was heard by the Weber County Board of Adjustment in a public hearing held on February 25, 2016, after due notice to the general public and specifically to adjacent property owners.

The Board of Adjustment has considered your appeal relative to the merit, circumstances, and conditions affecting said property and hereby renders the following decision:

Your appeal to the Board of Adjustment is:

Granted Subject to:

- Meeting the requirements of applicable County review agencies.
- Obtaining a land use permit and a building permit prior to construction.
- Submitting and completing one lot subdivision application combining the applicant's two (legal) non-conforming lots into one lot prior to the construction of the garage.

Reason for decision:

- Based on the location of the property and the physical characteristics (e.g. steep slopes to the east, stream to the west) of Wilcox Camping and Boating Resort area and having the drain field, septic tank, and access in the rear of the lot it would be difficult for the garage to be moved to meet the 30 foot setback; and enforcement of the land use ordinance would cause unreasonable hardship.
- This lot has 8,276 square feet and is a (legal) non-conforming lot, meaning that an existing house could be rebuilt on the parcel if all building requirements could be met. The 25 foot encroachment will have no impact on any of the surrounding lots. Many of the surrounding lots have structures that encroach into the setbacks.
- The circumstances attached to this property are special and do not generally apply to other properties in the same zone. There are physical characteristics of the lot such as the size, the stream, the road, and the fact that the lot was created prior to zoning.
- Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. The applicant would like a place to store vehicles, equipment, and other personal items in a secure location.
- If the variance is granted it will not affect the goals or objectives as outlined in the Ogden Valley General Plan.



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- If granted, the variance will maintain a 75 foot setback from the stream corridor. There is already an access road through part of the rear of the property and the proposed structure will encroach no farther than the access road. This variance will provide relief from the physical hardships associated with the property.

The approval of a Board of Adjustment Case is issued to the owner of the land as signed on the application and is valid for a period of time not longer than 18 months from the date of the Board decision or until an ordinance amendment changes the conditions upon which the decision was made. The issuance of a building permit for development stated in the Board of Adjustment case application constitutes full use of the variance or other benefit applied for.